



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/733,559

12/11/2003

Ted. F. Slupesky

BEA9-2003-0021-US1

8775

49056

7590

09/03/2008

LIEBERMAN & BRANDSDORFER, LLC
802 STILL CREEK LANE
GAITHERSBURG, MD 20878

EXAMINER

LY, CHEYNE D

ART UNIT

PAPER NUMBER

2168

MAIL DATE

DELIVERY MODE

09/03/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/733,559	Applicant(s) SLUPESKY ET AL.	
	Examiner CHEYNE D. LY	Art Unit 2168	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 and 16-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 16-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicants' arguments filed May 29, 2008 have been fully considered but they are not deemed to be persuasive. Rejections and/or objections not reiterated from previous office actions are hereby withdrawn. The following rejections and/or objections are either reiterated or newly applied. They constitute the complete set presently being applied to the instant application.

2. Claims 1-14 and 16-20 are examined on the merits.

REMARKS

3. The rejections of record have been withdrawn as necessitated by claim amendments.

Therefore, Applicant's argument directed to withdrawn rejections is moot. As for the new limitations in the claims, the limitations have been addressed by the addition of Buehler et al. as necessitated by claim amendments.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not

Art Unit: 2168

commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1-14 and 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lennon et al. (US 20020107973 A1) (Lennon hereafter) in view of Dickman et al. (US 5877765 A) (Dickman hereafter) and in further view of Buehler et al. (US 2003/0028895 A1) (Buehler hereafter).

CLAIM INTERPRETATIONS

7. The instant specification exemplifies “managed object” as hardware devices which may include storage devices, servers, and routers (page 4, last paragraph). Lennon discloses the below cited method, computer system and article as directed to storage devices and servers (Figures 9-11). Therefore, the disclosure of Lennon has been interpreted as “managed object.” Further, the disclosure of the “get” (page 5, column 1, [0074]) command by Lennon has been interpreted as a function as exemplified by the instant specification (page 6, lines 1-16).

MOTIVATION TO COMBINE

8. Lennon describes a “preferred arrangement interprets the link by first using the identifier part of the URI to locate the metadata server on the network (page 10, [0117]) as directed to videos (page 4, [0069] and [0070]). Buehler describes an improvement that provides flexibility in adding and updating disparate video devices on a video network to reduce the complexity of managing the different types of video network devices (page 1, [0009]). Dickman describes an improved ability to locate resources in a distributed

Art Unit: 2168

environment, such as the Internet (URL) (column 1, lines 55-57). Therefore, one of ordinary skill in the art at the time of the invention would have been motivated by Dickman to improve ability to locate metadata resources in a distributed environment, such as the Internet (URL) as described by Lennon and video network of Buehler.

BASIS FOR PRIOR ART

9. In regard to claim 1, Lennon discloses a method of managing with a managed object, comprising:
 - a. Dynamically generating (page 4, column 2, [0073], especially the disclosure of “dynamically generating XML descriptions that conform to these schemas”) an interpretable format from a meta data description for a function of said object (claim 1) wherein said object is a hardware device (page 10, [0117], e.g. the media browser may be configured to initiate the one or more metadata server processes);
 - b. managing said managed object with an operator input command, including a GET command request data from said managed object (page 5, column 1, [0074], especially, “a URI itself, and a query string which specifies details of the metadata server request. The request can be executed using a Hypertext Transfer Protocol (HTTP) "get" request over the Internet”), and an INVOKE command to create new data, wherein a single URL assigned to an attribute of said managed object is used for each of said operator commands (page 12, [0163], especially, “the metadata server 212 invokes a procedure to satisfy the request”);

Art Unit: 2168

- c. Interpreting said operator input command (Abstract etc., and page 9, [0101]) according to said format (claim 92, and page 9, column 1, [0100], to page 10, column 1, line 7);
 - d. Executing said function to manage configuration of said object in response to said interpretation of said operator input command (claim 115, and page 17, [0192]); and
 - e. Displaying a response of said executed function to an operator (Figure 4).
10. However, Lennon does not explicitly describe the objects being directed hardware device. Buehler describes a method for managing disparate network devices through objects (Abstract) wherein the devices are represented as objects operable to translate information from a format associated with the management adapter interface into a format associated with a video network device (page 1, [0013]). Further, Buehler describes the management of the devices via the set, get, and invoke commands (page 4, [0041] to [0043], e.g. getAttribute, setAttribute, and invoke).
11. However, Lennon in view of Buehler does not explicitly describe the limitation of “a SET command to modify existing data of said managed object.” Dickman describes the SET command and GET command (column 8, lines 12 and 20). Therefore, it would have been obvious to one of ordinary skill in the art to improve the improve ability to locate metadata resources in a distributed environment, such as the Internet (URL) as described by Lennon in view of Buehler with the SET function of Dickman.
12. In regard to claim 2, Lennon in view of Buehler and Dickman discloses translating a response received from said managed object into said interpretable format (page 4,

Art Unit: 2168

column 2, [0073], and page 5, column 1, [0077]). Therefore, it would have been obvious to one of ordinary skill in the art to improve the improve ability to locate metadata resources in a distributed environment, such as the Internet (URL) as described by Lennon, Buehler, and Dickman.

13. In regard to claim 3, Lennon in view of Buehler and Dickman discloses meta data description for a function of said object includes a uniform resource locator to said function (page 5, column 1, [0074] and [0078], and page 9, column 1, [0103]).

Therefore, it would have been obvious to one of ordinary skill in the art to improve the improve ability to locate metadata resources in a distributed environment, such as the Internet (URL) as described by Lennon and Dickman.

14. In regard to claim 4, Lennon in view of Buehler and Dickman discloses the metadata describes one or more internal commands associated with said functions (page 5, column 1, [0074]). It is noted that the “get” command described by Lennon is consistent type of internal command exemplified by the instant specification on page 6, lines 1-16.

Therefore, it would have been obvious to one of ordinary skill in the art to improve the improve ability to locate metadata resources in a distributed environment, such as the Internet (URL) as described by Lennon, Buehler and Dickman.

15. In regard to claim 5, Lennon in view of Buehler and Dickman discloses dynamically generating (page 5, column 1, [0075]) an interpretable format from a mete data description (claim 1) includes building a data structure to inform an operator of a require format for communication with said managed object (page 5, column 2, [0084], to page 8, column 1, [0099]). Therefore, it would have been obvious to one of ordinary skill in

Art Unit: 2168

the art to improve the improve ability to locate metadata resources in a distributed environment, such as the Internet (URL) as described by Lennon, Buehler and Dickman.

2. In regard to claim 6, Lennon in view of Buehler and Dickman discloses communicating with said managed object in real-time (page 9, [0109]). Therefore, it would have been obvious to one of ordinary skill in the art to improve the improve ability to locate metadata resources in a distributed environment, such as the Internet (URL) as described by Lennon, Buehler, and Dickman.

16. In regard to claim 7, Lennon in view of Buehler and Dickman discloses the step of dynamically generating an interpretable format from a mete data description for a function of said object includes an interface such as a graphical user interface (Figures 1 and 2, especial item 101, "Media Browser"). Therefore, it would have been obvious to one of ordinary skill in the art to improve the improve ability to locate metadata resources in a distributed environment, such as the Internet (URL) as described by Lennon, Buehler and Dickman.

17. In regard to claims 8-14 and 16-20, Lennon in view of Buehler and Dickman discloses the above cite method being implemented in a computer system and article comprising a computer-readable signal-bearing medium (Figures 1 and 2). Therefore, it would have been obvious to one of ordinary skill in the art to improve the improve ability to locate metadata resources in a distributed environment, such as the Internet (URL) as described by Lennon, Buehler, and Dickman.

CONCLUSION

18. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

19. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

20. Patent applicants with problems or questions regarding electronic images that can be viewed in the Patent Application Information Retrieval system (PAIR) can now contact the USPTO's Patent Electronic Business Center (Patent EBC) for assistance. Representatives are available to answer your questions daily from 6 am to midnight (EST). The toll free number is (866) 217-9197. When calling please have your application serial or patent number, the type of document you are having an image problem with, the number of pages and the specific nature of the problem. The Patent Electronic Business Center will notify applicants of the resolution of the problem within 5-7 business days. Applicants can also check PAIR to confirm that the problem has been corrected. The USPTO's Patent Electronic Business Center is a complete service center supporting all patent business on the Internet. The

Art Unit: 2168

USPTO's PAIR system provides Internet-based access to patent application status and history information. It also enables applicants to view the scanned images of their own application file folder(s) as well as general patent information available to the public.

21. For all other customer support, please call the USPTO Call Center (UCC) at 800-786-9199. The USPTO's official fax number is 571-272-8300.

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Dune Ly, whose telephone number is (571) 272-0716. The examiner can normally be reached on Monday-Friday from 8 A.M. to 4 P.M.

23. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim Vo, can be reached on (571) 272-3642.

/Cheyne D Ly/
Primary Examiner, Art Unit 2168